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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/284,863 06/07/99 STENGAARD

F 459-303P

002292 IM22/0605
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EXAMINER

YADLS

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary	Application No. 09/284,863	Applicant(s) STENGAARD ET AL.	
	Examiner Sam Chuan C. Yao	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) 26-43, 45, 47, and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 46, 48, and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 26-42, drawn to a method of making hydrophobic fibers.

Group II, claim(s) 43, 45, 47, and 49, drawn to fibers made by method claim 26, a method of making a nonwoven web; a nonwoven web; and, a composite material.

Group III, claim(s) 44, 46, 48, and 50, drawn to polyolefin fibers, a method of making a nonwoven web; a nonwoven web; and, a composite material.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, although these groups share a special technical feature (i.e. *"at least one water-insoluble ester of a mono-, di, tri-or tetra alcohol with a molecular weight not exceeding 500 and a branched or chaine fatty acid with between 12-30 atoms"*); the special technical feature of these groups does NOT define a contribution over the prior art. In other words, the special technical feature of these groups is either anticipated by or obvious over the prior art teachings such as: the teachings of Ross (US 5,525,243; col. 4 lines 47-54).

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During a telephone conversation with Mr. Edward Valance on 05-31-01 a provisional election was made with traverse to prosecute the invention of Group III, claims 44, 46, 48, and 50. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26-43, 45, 47, and 49 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

4. Claims 44, 46, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 5,525,243).

Ross discloses a polyolefin fiber which is coated with a lubricant selected from a non-water soluble alkyl esters such as a **tridecyl stearate** (col. 4 lines 39-54; col. 5 lines 9-15). Ross does not expressly disclose an amount of non-water soluble alkyl esters (**tridecyl stearate**) that is coated on the fiber. However, it would have been obvious in the art to coat the recited amount of non-water soluble alkyl esters (**tridecyl stearate**) onto the polyolefin fiber of Ross because Ross discloses that *"The amount of finish composition to be applied onto a synthetic filament is also dependent on the end*

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product of the filament yarn", and further discloses using 0.5-1.0% or .75-1.25% of finish composition (col. 7 line 63 to col. 8 line 33); and because it is well within the purview in the art to determine, by routine experimentation, a suitable amount of lubricant for fibers for the desired end-use of a resultant article.

With respect to claims 46 and 48, see column 8 lines 1-5 of Ross. It is understood that the fibers in the nonwoven web of Ross are bonded together.

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US 5,525,243) as applied to claim 48 above, and further in view of either Haffner et al (US 5,514,470) or Connell et al (US 5,509,142) or Willey et al (US 5,494,736).

It would have been obvious in the art to form a composite web to the nonwoven web of Ross as such is conventional in the art as exemplified in the teachings of either Haffner et al (col. 6 lines 10-18; col. 7 lines 17-31, lines 59-67; col. 8 line 36 to col. 9 line 9; abstract) or Willey et al (abstract; col. 6 lines 8-29) or Connell et al (col. 8 lines 37-67; col. 9 lines 39-49).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703)

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308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and (703) 305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

scy
June 1, 2001